

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1, 3, and 4-10 are currently pending. Claims 2 and 11-12 were canceled previously. Claims 5-10 are withdrawn. Claim 1 is amended. Support for the amendment to Claim 1 can be found at page 5, lines 23-25 of the original specification, for example. No new matter is added.

In the outstanding Office Action, Claims 5-10 were withdrawn as directed to a non-elected invention. Claims 1 and 3 were rejected under 35 U.S.C. § 103(a) as obvious over Johnson (U.S. Patent No. 1,891,989, hereafter “Johnson”) in view of Andler (U.S. Patent No. 2,368,911, hereafter “Andler”) and further in view of Pindek (U.S. Patent No. 2,186,809, hereafter “Pindek”). Claim 4 was rejected under 35 U.S.C. § 103(a) as obvious over Johnson in view of Andler and Pindek and further in view of Brozek (U.S. Patent No. 2,267,370, hereafter “Brozek”).

Regarding the rejection of Claims 1 and 3, that rejection is respectfully traversed by the present response.

Amended Claim 1 recites, in part:

two strips...

the material of the two strips being split leather, wherein the two strips are formed by a piece folded in two, an area forming a fold is filled longitudinally with a rod of chosen thickness, and the teeth are applied at least partially around the fold area thus filled, wherein the zip fastener forms a wall of an article on which the zip fastener is disposed.

Accordingly, the material is split leather, i.e., the leather is split along its central plane to form two separate sheets of reduced thickness from a single sheet of animal hide. One benefit of using split leather in combination with the present invention is that more surface area is provided from a single piece of hide when the leather is split in this manner.

Additionally, because the split leather is much rougher than unsplit leather, conventional zip fasteners require intermediate strips of material positioned between the split leather material and the teeth of the zip fastener. Further, as the split leather is folded upon itself, the folded split leather can be made to appear to be a continuous piece of unsplit leather. Thus, the split leather allows a rod-filled fold to be made from a single piece of animal hide while maintaining the appearance of more expensive unsplit leather.

In contrast, Johnson describes intermediate strips (1) and (2) of cloth or leather attached to an article (3). The intermediate strips (1) and (2) of flexible material are not disclosed in Johnson as split leather. Accordingly, Applicant respectfully submits that Johnson fails to teach or suggest the use of split leather that forms a wall of an article on which the zip fastener is disposed.

Andler describes strips (T) made from cloth.¹ Nowhere in Andler are the strips (T) described as made from leather, much less split leather as recited in amended Claim 1. In fact, Andler teaches away from forming the strips (T) from a treated material such as split leather. Andler states:

A stringer product is produced which is ready for use by the consumer for attachment to a garment without sewing and **without treating either the garment or the tape in any way.**²

Applicants respectfully submit that, as a stated goal of Andler is to avoid treating the garment or tape in any way, a person of ordinary skill in the art would not split a piece of leather used as a garment or tape, even if leather were disclosed in Andler. Accordingly, Andler not only fails to disclose split leather (or leather of any kind), but discourages the use of split leather.

Pindek fails to remedy the deficiencies of Johnson and Andler discussed above. Nowhere in Pindek is leather disclosed, much less split leather as recited in amended Claim 1. Rather, throughout the disclosure of Pindek, the material comprising elements (10) and

¹ Andler, page 3, col. 1, lines 48-49.

² Andler, page 3, col. 1, line 70 – col. 2, line 3 (emphasis added).

(11) is repeatedly described only as “fabric.” Accordingly, Applicant respectfully submits that Pindek, like Johnson and Andler, fails to disclose “split leather” as recited in amended Claim 1.

Accordingly, Applicant respectfully submits that none of the cited references discloses all of the features of amended Claim 1, and Applicant respectfully submits that amended Claim 1 patentably distinguishes over the cited references for at least the reasons discussed above.

Claim 3 depends from amended Claim 1. Accordingly, Applicant respectfully submits that dependent Claim 3 patentably distinguishes over the cited references for at least the same reasons as amended Claim 1.

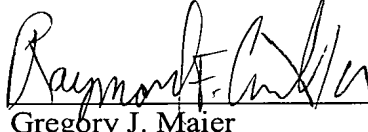
Regarding the rejection of dependent Claim 4 as obvious over Johnson, Andler, Pindek and Brozek, Applicant respectfully submits that Brozek fails to remedy the deficiencies in Johnson, Andler, and Pindek discussed above regarding amended base Claim 1. Nowhere in Brozek is any material described as split leather. Rather, as shown in Fig. 1 and Fig. 2, the tape (10) appears to be a woven fabric. Nowhere in Brozek is leather disclosed, let alone split leather folded and filled longitudinally with a rod as recited in amended Claim 1.

Accordingly, Applicant respectfully submits that dependent Claim 4 patentably distinguishes over the cited references for at least the reasons discussed above.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in a condition for formal allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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